



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 40-2	Subject: OFFENDER INFORMANTS
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	Revision Date: 09/20/01
Signature: /s/ Mary Fay	Effective Date: 06/01/00

I. BUREAU DIRECTIVE: The Probation and Parole Bureau will encourage a cooperative working relationship with law enforcement, and establish procedures relative to the use of offenders in providing information.

II. AUTHORITY:
53-1-203, M.C.A. *Powers and Duties of Department of Corrections*

III. DEFINITIONS:

Informant means an offender who, willingly, and with the approval of their Probation and Parole Officer, provides confidential information to qualified law enforcement officials on a limited basis.

Operative means an individual who willingly cooperates with law enforcement to the extent that they are actively engaged in “controlled enforcement” activities that would ordinarily be considered a violation of the law.

Waiver means an agreement between the offender, the Probation and Parole Officer and Regional Administrator, as well as law enforcement. This agreement outlines the expectations of an offender while they are acting as a law enforcement informant. It also releases the DOC and others, relative to any liability pertaining to the actions of the offender (Form attached).

IV. PROCEDURES:

- A. Offenders are limited to only providing information to officials and may not function as an operative. The extent of this relationship with law enforcement is contingent upon whether the assistance to be rendered is in the best interest of all concerned.
- B. The Bureau does not encourage the active recruitment of offenders by Probation and Parole Officers to work with law enforcement. While acting as an informant the offender must abide by all conditions of supervision. The officer may at any time, with cause, terminate the offender’s role as an informant with law enforcement.

PROCEDURES:

1. Request from law enforcement received and approved/disapproved.
2. If approved by offender, officer and law enforcement meet to review offender informant policy.

RESPONSIBILITY:

P&P Officer
Regional Admin. or designee.
P&P Officer

PROCEDURES:

RESPONSIBILITY:

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| 3. Waiver read, explained and signed by all parties, with expiration date. Copies provided to all. | P&P Officer |
| 4. Receives reports from law enforcement as appropriate. | P&P Officer
Law Enforcement |

V. CLOSING: Questions concerning this procedure shall be directed to the Regional Administrator or Probation and Parole Bureau Chief.

Form

P&P 40-2(A) Offender Informant Agreement & Waiver